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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/514,843	02/28/2000	Terry Lynn Cole	2000.036100	9375
23720	7590	02/23/2004	EXAMINER	
WILLIAMS, MORGAN & AMERSON, P.C. 10333 RICHMOND, SUITE 1100 HOUSTON, TX 77042			BOCURE, TESFALDET	
		ART UNIT	PAPER NUMBER	
		2631		
DATE MAILED: 02/23/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/514,843	COLE ET AL.	
	Examiner	Art Unit	
	Tesfaldet Bocure	2631	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 02 February 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-30 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-8 and 11-30 is/are rejected.

7) Claim(s) 9 and 10 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____. _____	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1,11-13,16 and 23-25 are rejected under 35 U.S.C. 102(b) as being anticipated by **Weaver et al.** (US patent number 4,882,754).

Weaver et al. (Weaver hereinafter) teaches a transmission system having a transmitter (fig.1) and a receiver (fig.2), wherein the transmitter comprising: a transmitter buffer (36); a buffer fullness detecting circuit (44) for detecting the buffer fullness; compressing the data to be transmitted (28 and 29); and truncating circuit (24) for truncating portion of the signal to be transmitted according to the determined buffer fullness as in claims 1,11-13, 16 and 23-25.

Further to claims 1,11,16 and 23, Weaver also teach that the receiver having means for reformatting, claimed reconstructing, the received signal (see col. 6, lines 45-55).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2-7,14,15,17-22 and 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754).

Weaver et al. (**Weaver** hereinafter) teaches the claimed subject matter in claims 1,11-13,16 and 23-25 as indicated above (See paragraph 2 above).

Further to claims 4,5,6,7,14,15,19,20,21,22 and 27, **Weaver** also teaches that the transmitter transmits the information pertaining to the scaling and truncation of the data sample to the receiver, and the receiver uses the received information to deformat,

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claimed reconstituting and decompressing, the samples truncated and compressed by the transmitter (see starting line 48 in col. 5 through col. Line 55).

Weaver also teaches that the nth code is removed, claimed deleting as in claim 3. See col. 8, lines 8-25.

However Weaver fails to teach that: deleting selected samples in contiguous blocks of the buffered data within the buffer as in claims 2 and 17; deleting selected samples by **every** nth sample of the buffered data within the buffer as in claim 3 and 18; recording the locations of a starting and ending point defining the continuous block being deleted as in claims 4,14,19 and 26; reconstituting the selected samples of data deleted based in part upon the recorded locations as in claims 5,15,20 and 27; recording the locations of a starting and ending point defining the nth samples being deleted as in claims 6 and 21; reconstituting the selected samples of data deleted based in part upon the recorded locations as in claims 7 and 22; determining the buffer location as in claim 28; determining a starting and ending buffer location associated with the deleted sample; and reconstituting the selected samples of data deleted based in part upon determining buffer location as in claim 30.

As to the claimed deleting every nth sample and deleting in contiguous block in claims 2-7,14,15,17-22 and 26-30, as claimed and disclosed there is no criticality shown therefore, the truncation of Weaver will still be able to minimize the overfullness of the buffer at the transmitter and still be able to reconstruct the sample at the receiver.

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Therefore, it would have been obvious to one of an ordinary skill in the art to use the information pertaining to the truncated part of the sampled transmitted to receiver for reconstructing the truncated information at the time the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Weaver et al.** (US patent number 4,882,754) in view of **Mirfakhraei** (US patent number 6,570,912).

Weaver teaches the claimed subject matter in claim 1 as indicated above (See paragraph 2 above).

What Weaver fails to teach is that the receiver having a symbol alignment (388) and time equalizer (370) as in claim 8.

Mirfakhraei for the same endeavors as the instant application and that of **Weaver** teaches a transmission system for transmitting voice and data comprising symbol alignment and time equalizer circuit.

Therefore it would have been obvious to one of an ordinary skill in the art to use time aligning and equalizing circuit in the receiver of **Weaver** to align the timing of the and equalize the received signal at the time the invention was made.

Response to Amendment

In response Applicant's argument that:

Weaver does not describe or suggest deleting (as set forth in claim 1 and 16) or compressing (as set forth in claims 11 and 23) selected samples of data from the buffer in response to the storage capacity being exceeded. In contrast, Weaver teaches truncating the received signal (i.e. the sample signal stream

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rather than deleting and/or compressing the data from the buffer. Furthermore, Weaver does not describe or suggest reconstructing the selected samples of data deleted or compressed.

Examiner would like to rephrase the claimed subject matter in claims 1 and 16, where the step of deleting is, "deleting, selected samples of data from the buffer in response to the storage capacity being exceeded," is clearly shown that the truncation units 22 and 24 will truncate the data upon receiving information (the fullness of the buffer 36) from the buffer fullness detector. If applicant's argument is meant that the data is directly truncated from the buffer, the claimed subject matter as indicated above does not call for. As to the claimed transaction of selected data, the transaction of LSB (see col. 1, lines 38-52 and fig.11) is considered as a selected part of data truncated.

Allowable Subject Matter

7. Claims 9 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. This is a RCE of applicant's earlier Application No. 09/514843. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL**

even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (703) 305-4735. The examiner can normally be reached on Mon-Thur (7:30a-5:00p) & Mon.-Fri (7:30a-5:00p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammad H Ghayour can be reached on (703) 306-3034. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Tesfaldet Bocure
Primary Examiner
Art Unit 2631

T.Bocure